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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,481	08/31/2001	Hussein Salama	2705-188	1568
20575	7590	11/15/2005		EXAMINER
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204				MURPHY, RHONDA L
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/944,481	SALAMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rhonda Murphy	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-52 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,6,10,13-16,19,23,26-29,32,36,39-42,45,49 and 52 is/are rejected.  
 7) Claim(s) 4,5,7-9,11,12,17,18,20-22,24,25,30,31,33-35,37,38,43,44,46-48,50 and 51 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6, 14, 16, 19, 27, 29, 32, 40, 42 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwama (US 2003/0235187).

**Regarding claims 1 and 14,** Iwama teaches a device (Fig. 1, IP terminal) comprising: a network interface for coupling to a network (illustrated by link to voice relay router 107); and a processor coupled with the network interface (the processor is not illustrated, however, must exist to transmit call setup signal; page 11, paragraph 119), wherein the processor is adapted to transmit a call setup message to a device through a network to establish a connection session for exchanging data (page 11, paragraph 119; IP terminal 106 transmits a call setup signal); receive from the device a reply message (IP terminal 106 receiving the reply signal; page 11, paragraph 119), analyze the reply message (page 11, paragraph 119; judging whether the calling address contained in the call setup signal has been registered); infer from the reply message an attribute of the device for the connection session that is not included in the reply message (page

11, paragraph 119; judging whether the calling address contained in the call setup signal has been registered as a bandwidth-available address); and transmit data to the device using the inferred attribute (page 11, paragraph 119; if the calling address is judged to be registered...signal is transmitted to the gateway device).

**Regarding claims 3 and 16,** Iwama teaches the inferred attribute as a maximum bandwidth that the device may receive data in (page 11, paragraph 119; judging whether the calling address contained in the call setup signal has been registered as a bandwidth-available address).

**Regarding claims 6 and 19,** Iwama teaches the call setup message as an H.323 version 3 faststart type message (page 11, paragraph 11); and the reply message is an RSVP Path type message (page 11, paragraph 11).

**Regarding claims 27 and 40,** Iwama teaches an article comprising: a storage medium, the storage medium having instructions stored thereon, wherein when the instructions are executed by at least one device (page 11, paragraph 119; storage device), they result in performing the same functions as described above in the rejection of claims 1 and 14.

**Regarding claims 29 and 42,** Iwama teaches the same limitations described in the rejection of claims 3 and 16.

**Regarding claims 32 and 45,** Iwama teaches the same limitations described in the rejection of claims 6 and 19.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 10, 13, 15, 23, 26, 28, 36, 39, 41, 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama (US 2003/0235187) in view of Kato (US 6,940,819).

**Regarding claims 2, 15, 28 and 41,** Iwama teaches an inferred attribute, however, fails to disclose the inferred attribute as a codec type of the device.

However, Kato teaches a codec type of the device (col. 1, lines 38-39).

In view of this, it would have been obvious to one skilled in the art to include a code type of the device, in order to determine type of codec used to convert the voice signals.

**Regarding claims 10 and 23,** Iwama teaches a device (Fig. 1, voice relay router 107) comprising: a network interface for coupling to a network (Fig. 9, 1803); and a processor coupled with the network interface (central control unit 1801), wherein the processor is adapted to receive a call setup message from a device through a network to establish a connection for exchanging data (page 11, paragraph 119; receives call setup signal).

Iwama fails to explicitly disclose configuring a first port to transmit data through, during the connection; configuring a second port to receive data from,

during the connection. However, Iwama system involves TCP, which utilizes port identifications.

Furthermore, Kato discloses ports to transmit and receive from (col. 2, lines 28-35).

In view of this, it would have been obvious to one skilled in the art to configure transmit and receive ports and transmit to the device a reply message identifying the first port as a port to transmit from, for the purpose of specifying ports involved in the data transmission.

Although not explicitly taught by Iwama, it would be obvious to receive data addressed to the second port in response to the reply message, since multiple ports within a device are capable of receiving data.

**Regarding claims 13 and 26** Iwama teaches the call setup message as an H.323 version 3 faststart type message (page 11, paragraph 11); and the reply message is an RSVP Path type message (page 11, paragraph 11).

**Regarding claim 36,** Iwama teaches an article comprising: a storage medium, the storage medium having instructions stored thereon, wherein when the instructions are executed by at least one device (page 11, paragraph 119; storage device), they result in performing the same functions as described above in the rejection of claims 10 and 23.

**Regarding claims 39 and 52** Iwama teaches the call setup message as an H.323 version 3 faststart type message (page 11, paragraph 11); and the reply message is an RSVP Path type message (page 11, paragraph 11).

**Regarding claim 49,** Iwama teaches a method performing the same function as described above in the rejection of claim 10.

***Allowable Subject Matter***

5. Claims 4, 5, 7 – 9, 11,12, 17-18, 20-22, 24, 25, 30-31, 33-35, 37,38,43, 44, 46-48, 50 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair>-

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Rhonda Murphy  
Examiner  
Art Unit 2667

rlm



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11/14/05